

From: LIPSITZ AND MCALLISTER

2034590201

04/28/2006 14:36 #887 P.001

PATENT AND TRADEMARK
DIVISION

2006 MAY -1 PM 3:53

US PATENT & TRADEMARK
OFFICE

LIPSITZ & MCALLISTER, LLC

INTELLECTUAL PROPERTY ATTORNEYS

BRADFORD GREEN, BUILDING 8
755 MAIN STREET
MONROE, CONNECTICUT 06468

BARRY R. LIPSITZ
DOUGLAS M. MCALLISTER

TELEPHONE: (203) 459-0200
FACSIMILE: (203) 459-0201

SECOND REQUEST - APRIL 28, 2006

August 25, 2005

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office REFUNDS BRANCH, Attention: Ms. Latrice Sims, on:

August 25, 2005.

Carol Prentice

Signature

Typed or printed name of person signing Certificate: Carol Prentice

To: U.S. Patent and Trademark Office - REFUNDS BRANCH

Fax No.: (571) 273-6500

From: Barry R. Lipsitz

Total number of pages faxed: 10

The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone. Thank you.

In re Application of:

Beger, et al.

Application No.:

10/763,961

Filed:

January 23, 2004

Title:

LOCKING MECHANISM FOR A BONE SCREW

REQUEST FOR REFUND UNDER 37 C.F.R. §1.26

Dear Sir:

Applicants hereby request a refund in the amount of \$120.00, which comprise the fees erroneously withdrawn from our deposit account no. 50-0625 on July 28, 2005.

Applicants filed an Amendment in the U.S. Patent and Trademark Office on July 20, 2005, in response to an Office Action dated May 5, 2005. A three-month statutory period for reply was set to expire three months from the May 5, 2005 mailing date of the Office Action (August 5, 2005).

Best Available Copy

Application No. 10/763,961
Request for Refund
August 25, 2005
Page 2 of 3

Applicants' Amendment was mailed on July 20, 2005, and was received in the U.S. Patent and Trademark Office on July 22, 2005, before the deadline of August 5, 2005.

Applicants' undersigned attorney's deposit account was improperly charged \$120.00 as a fee for a one-month extension of time.


Applicants are enclosing copies of the following herewith:

- (1) Deposit Account Statement (1 page).
- (2) Office Action Summary and transmittal letter dated May 5, 2005 – 2 pages.
- (3) Return receipt postcard date stamped July 22, 2005.
- (4) Printout from PAIR of Applicants' Transmittal Letter date stamped July 22, 2005.
- (5) Printout from PAIR of File History for application 10/763,961, indicating:
 - (a) that the Non-Final Rejection was mailed on May 5, 2005;
 - (b) that a response after non-final action was received 7/22/05; and
 - (c) the erroneous entry that a request for extension of time was granted 7/22/05.
- (6) Patent Application Fee Determination Record confirming that Applicants did not owe any additional fees for extra claims filed.

Application No. 10/763,961
Request for Refund
August 25, 2005
Page 3 of 3

This Request for Refund is being filed within two years from the date of the Deposit Account Statement indicating such charge. The refund check should be made payable to Applicants' undersigned attorney.

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
Lipsitz & McAllister, LLC
755 Main Street, Building No. 8
Monroe, CT 06468
(203) 459-0200

Date: August 25, 2005

ATTORNEY DOCKET NO.: HOE-593.1



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

BARRY R LIPSITZ LAW OFFICES
755 MAIN STREET
MONROE CT 06468

FINA

Account No.	500625
Date	7-29-05
Page	1

PLEASE SEND REMITTANCES TO:
U. S. Patent and Trademark Office
P.O. Box 70541
Chicago, IL 80673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
7	14	05	3	PCT/US05/14289	CCA-12 PCT	1602	-700.00	2133.00
7	15	05	621	0790220		8521	-40.00	2093.00
7	18	05	326	76489729		8521	-40.00	2053.00
7	18	05	327	76507220		8522	-25.00	2028.00
7	18	05	328	1587655		8522	-25.00	2003.00
7	28	05	1	10763961	HOE-593	1251	120.00	1883.00

AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED

OPENING BALANCE TOTAL CHARGES TOTAL CREDITS CLOSING BALANCE

From: LIPSITZ AND McALLISTER

2034590201

04/28/2006 14:37 #887 P.005



UNITED STATES PATENT AND TRADEMARK OFFICE

BRL

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,961	01/23/2004	Jens Beger	HOE-593.1	7911
20028	7590	05/05/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			RAMANA, ANURADHA	
			ART UNIT	PAPER NUMBER
			3732	

8/5/05

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,881

Applicant(s)

Beger et al.

Examiner

Anu Remana

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ←

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 6 and 9-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 5, 6 and 9-16 is/are allowed.
6) ☒ Claim(s) 17 and 20-29 is/are rejected.
7) ☒ Claim(s) 18 and 19 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

From:LIPSITZ AND MCALLISTER

2034590201

04/28/2006 14:37 #887 P.007

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir: Please acknowledge receipt of the following papers by stamping and returning this card.

Attorney Docket No.: HOE-593.1
Applicant(s): Beger, et al.
App. No.: 10/763,961
Filed: January 23, 2004
Title of Invention: LOCKING MECHANISM FOR A BONE SCREW

[x] Transmittal Letter
[x] Amendment (10 pages)

Attorney: Lipsitz & McAllister

Mailed: July 20, 2005

**LIPSITZ & McALLISTER, LLC**

INTELLECTUAL PROPERTY ATTORNEYS

BRADFORD GREEN, BUILDING 8
755 MAIN STREET
MONROE, CONNECTICUT 06468BARRY R. LIPSITZ
DOUGLAS M. McALLISTERTELEPHONE: (203) 459-0200
FACSIMILE: (203) 459-0201

In re Application of: **Beger, et al.**
 Application No.: **10/763,961**
 Filed: **January 23, 2004**
 Title: **LOCKING MECHANISM FOR A BONE SCREW**

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Art Unit: **3732**
 Examiner: **A. Ramana**

Dear Sir:

Transmitted herewith is:

- ☒ An Amendment in the above-identified application (10 pages);
☒ Return receipt postage prepaid postcard;

				SMALL ENTITY		LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
TOTAL	23	23	0	X26	\$	X50	\$0
INDEPENDENT	3	3	0	X100	\$	X200	\$0
TOTAL ADDITIONAL FEE				\$		\$0	

- ☒ I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2005.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Respectfully submitted,

Douglas M. McAllister, Reg. No. 37,886
 Attorney for Applicant(s)
 Lipsitz & McAllister, LLC
 755 Main Street, Bldg. No. 8
 Monroe, CT 06468
 (203) 459-0200

Attorney Docket No.: HOE-593.1



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 8-23-2005::10:7:34 E.T.

Search results for application number: 10/763,961			
Application Number:	10/763,961	Customer Number:	20028
Filing or 371(c) Date:	01-23-2004	Status:	Response to Non-Final Office Action Entered and Forwarded to Examiner
Application Type:	Utility	Status Date:	07-28-2005
Examiner Name:	RAMANA, ANURADHA	Location:	ELECTRONIC
Group Art Unit:	3732	Location Date:	-
Confirmation Number:	7911	Earliest Publication No:	US 2004-0153092 A1
Attorney Docket Number:	HOE-593.1	Earliest Publication Date:	08-05-2004
Class/ Sub-Class:	606/104	Patent Number:	-
First Named Inventor:	Jens Beger, Tuttlingen, (DE)	Issue Date of Patent:	-
Title Of Invention:	Locking mechanism for a bone screw		

Search Options

Continuity Data
Display References
Image File Wrapper
Publication Review
Published Documents

File History	
Date	Contents Description
07-28-2005	Date Forwarded to Examiner
07-22-2005	Response after Non-Final Action
07-22-2005	Request for Extension of Time - Granted
05-05-2005	Mail Non-Final Rejection
05-03-2005	Non-Final Rejection
03-03-2005	Case Docketed to Examiner in GAU
02-22-2005	Date Forwarded to Examiner
02-07-2005	Response after Non-Final Action
02-07-2005	Workflow Incoming amendment IFW
11-15-2004	Mail Non-Final Rejection
11-12-2004	Non-Final Rejection

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2003

Application of Docket Number

10763961

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	29	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	29 minus 20 =	9
INDEPENDENT CLAIMS	3 minus 3 =	0
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	23	minus	29 = -6
Independent	3	minus	3 = 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

7/22/05

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	23	minus	29 = -6
Independent	3	minus	3 = 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		minus	
Independent		minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

* If the "High of Number Previously Paid For" in THIS SPACE is less than 20, enter "20."

* If the "High of Number Previously Paid For" in THIS SPACE is less than 3, enter "3."

The "High of Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

RATE	FEE
BASIC FEE	385.00
X59=	
X43=	
+145=	
TOTAL	

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	770.00
X518=	16.7
X86=	
+290=	
TOTAL	432

SMALL ENTITY TYPE ☐

RATE	ADDITIONAL FEE
X59=	
X43=	
+145=	
TOTAL ADDIT. FEE	

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X518=	
X86=	
+290=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X59=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X518=	
X86=	
+290=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X59=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X518=	
X86=	
+290=	
TOTAL ADDIT. FEE	

BEST AVAILABLE COPY

United States Patent and Trademark Office
- Sales Receipt -

07/28/2005 EPAYTON 00000001 500625 10763961

01 FC:1251 120.00 DA

Adjustment Date: 06/12/2006 SDIRETA1
07/28/2005 EPAYTON 00000001 500625 10763961
01 FC:1251 120.00 CR

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.